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UNCLAS ROME 005567

SIPDIS

STATE FOR EUR/ERA, EUR/UBI, EB/TPP/ABT -MALAC
USTR FOR R. WHITE
USDA/FAS-BIOTECH GROUP - E. JONES

E.O. 12958: N/A

TAGS: [EAGR](#) [TBIO](#) [ETRD](#) [EU](#) [IT](#) [FAO](#)
SUBJECT: ITALIAN BACKGROUND TO THE BT-11
CORN ABSTENTION

REF: STATE 337475

1. SUMMARY: THIS RESPONDS TO REFTEL AND EXPLAINS THE PROCESS OF GOI TECHNICAL REVIEW OF SYNGENTA'S BT11 BIOTECH SWEET CORN APPLICATION. THE GOI REQUESTED MORE TIME TO REVIEW AN OPINION OF THE BT11 APPLICATION. THE EU COMMISSION DENIED THE REQUEST. AS A RESULT, ITALY ABSTAINED. A GOI TECHNICAL INDEPENDENT COUNCIL ALSO REVIEWED THE AMATO DECREE AND RECOMMENDED IT BE REPEALED. END SUMMARY

2. OUR SOURCES HAVE TOLD US THAT AN INDEPENDENT SUPREME COUNCIL ON HEALTH (CONSIGLIO SUPERIORE DI SANITA', CSS) WROTE A FAVORABLE OPINION OF THE EU TECHNICAL EVALUATION OF BIOTECH SWEET CORN AND THAT THIS OPINION WAS DELIVERED TO THE MINISTRY OF HEALTH ON THE MORNING OF DECEMBER 5. A MINISTRY OFFICIAL DELAYED SENDING THIS REPORT TO THE MINISTER OF HEALTH. THE WEEKEND WAS FOLLOWED BY THE DECEMBER 8 HOLIDAY IN ITALY. THE MINISTER OF HEALTH DID NOT READ THE CSS REPORT BEFORE GIVING THE INSTRUCTIONS TO GOI REPS IN BRUSSELS. THEREFORE, GOI DELEGATES WERE INSTRUCTED TO FIRST REQUEST THAT THE COMMISSION DELAY THE VOTE. WHEN THE COMMISSION DECLINED TO ACT ON THE REQUEST, THE GOI VOTED TO ABSTAIN.

3. IN RESPONSE TO REFTEL QUESTIONS ABOUT WHAT IT WILL TAKE TO CHANGE THE VOTE, IT IS OBVIOUS THAT A POSITIVE TECHNICAL REVIEW, WHILE NECESSARY, IS NOT SUFFICIENT FOR A FAVORABLE VOTE. THE CONDITION THAT IS LACKING IS POLITICAL WILL. THE CHANGE IN THE VENUE FROM THE COMMITTEE TO THE AG COUNCIL HAS SERIOUS IMPLICATIONS AS IT REMOVES THE DECISION FROM THE MINISTRY OF HEALTH, RELATIVELY SCIENCE-FRIENDLY, TO THE MINISTRY OF AGRICULTURE, DECIDEDLY ANTI-BIOTECH AND LIKELY TO ESCHEW SCIENCE-BASED REASONING IN FORMULATING A POSITION. ITALY'S MINISTRY OF AGRICULTURE, IF LEFT TO ACT ON ITS OWN ACCORD, IS EXPECTED TO VOTE AGAINST THIS APPLICATION. AGRICULTURE MINISTER GIANNI ALEMANNI ISSUED A PRESS RELEASE ON THE RESULT OF THE FIRST VOTE, SAYING THAT HE WAS SATISFIED WITH THE OUTCOME AND THAT VOTING THE APPLICATION USING POLITICAL INPUT WAS THE CORRECT WAY TO EVALUATE THE APPLICATION.

4. IN ADDITION TO THE REVIEW OF THE BT SWEET CORN, ITALY'S TECHNICAL OPINION FROM THE CSS HAS A SECOND SECTION. THIS SECOND PART PROVIDES A RESPONSE TO THE COMMISSION ON THE AMATO DECREE. THE CSS OPINION IS THAT THERE IS NO VALID REASON FOR THE DECREE. A PROVISIONAL LEGAL OPINION ISSUED BY THE EUROPEAN COURT OF JUSTICE (ECJ) IN MARCH 2003 SAID THAT ITALY HAD THE RIGHT TO PROVISIONALLY BAN FOUR EU-REVIEWED CORN VARIETIES ALREADY APPROVED IN THE UK AND FRANCE, BUT THAT THE GOI WAS OBLIGED TO PROVIDE EVIDENCE THAT THE USE OF THE CORN WOULD ENDANGER HUMAN HEALTH OR THE ENVIRONMENT. THE CSS FOUND NO SCIENTIFIC EVIDENCE TO JUSTIFY THE BAN. THEREFORE, THE CSS RECOMMENDED THAT THE GOI REPEAL THE AMATO DECREE. THE AMATO DECREE HAS BEEN IN PLACE SINCE AUGUST 2000. OUR INTERLOCUTOR SUGGESTS THAT THE GOI'S COUNCIL OF MINISTERS WILL ACT ON THIS IN EARLY JANUARY. SEMBLER

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